

BMS

(9)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARRYL KELLAM,

Petitioner,

v.

JOHN KERESTES, SUPERINTENDENT,
et al.

Respondents.

CIVIL ACTION

NO. 08-3755

ORDER

AND NOW, this 9th day of Dec, 2008, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, and the Response thereto, and after review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated November 26, 2008, ^{and the objections thereto,} IT IS HEREBY ORDERED that:

1. the Report and Recommendation is APPROVED and ADOPTED;
2. the Petition for Writ of Habeas Corpus is DENIED with prejudice and DISMISSED without an evidentiary hearing; and
3. there is no probable cause to issue a certificate of appealability.

BY THE COURT,



Berle M. Schiller, J.